

Notice of Allowability

Application No.

09/406,663

Examiner

Fred Ferris

Applicant(s)

KNEBEL ET AL.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 15 October 2004.
2. ☒ The allowed claim(s) is/are 1-3, 5-41 and 43, now renumbered as claims 1-41-
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 11202004.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JEAN P. HOMERE
PRIMARY EXAMINER

DETAILED ACTION

1. *This office action is in response to applicants after final amendment filed on 15 October 2004. Newly amended claims 1-3, and 5-38 have now been allowed. Claims 39-41, and 43 were previously allowed. Applicants have canceled claims 4 and 42.*

Response to Arguments

2. *Applicant's arguments filed on 26 May 2004 have been fully considered and found to be persuasive.*

Regarding applicant's response to 103(a) rejections: Applicants have argued (page 11, line 7) that newly amended independent claims 1, 36, and 37 have been amended as suggested by the examiner in the previous Office Action. (i.e. to be interpreted in light of the specific embodiment provided in applicant's specification as set forth in MPEP 2181) Accordingly, the examiner withdraws the 103(a) rejection in view of applicant's arguments and the amendment to the claims.

Drawings

3. *Formal drawings are now required in response to this office action since the claims have now been allowed.*

Allowable Subject Matter

4. *Claims 1-3, 5-41, and 43 are now allowed over the prior art of record.*

The following is an examiner's statement of reasons for allowance:

Independent claims 1, 36, 37, and 39 are given deference in view of In re Donaldson and interpreted in view of 35 U.S.C. § 112 paragraph 6. The step-plus-function language and the limitations related thereto of claims 1, 36, 37, and 39 is interpreted within the scope of enablement as provided within the relative embodiment provided within applicant's specification and set forth under the guidelines of MPEP 2181. Specifically, applicant's specification page 6, line 15 to page 9 line 11, page 13, line 30 to page 14, line 25, page 15, line 19 to page 20, line 5, and Figs. 3-9 disclose the claimed inventions method and system for expressing and visualizing the simulated device activity, defined representation form, and a visual form that illustrates causal relationships (activities) as follows:

- *expressing and visualizing the simulated device activity: page 6, line 15 to page 9 line 11, Figs. 2-5.*
- *defined representation form: page 6, line 15 to page 9 line 11, and page 19, line 13 to page 20, line 5, Figs. 5 and 6.*
- *visual form that illustrates causal relationships (activities): page 13, line 30 to page 14, line 25, and page 15, line 19 to page 20, line 5, Figs. 5-9.*

The prior art of record does not disclose specific sequence of steps for the expressing/visualizing simulated device activity in a defined representation form and illustrating a causal relationship, as noted above, and as further disclosed in applicant's specification on page 18, line 12 to page 19, line 21 and demonstrated in Figures 5, 6, 8 and 9. Dependent claims 2-3, 4-35, 38, 40-41, and 43 are allowable as being depended from claims 1, 37, and 39 respectively.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 571-272-3778 and whose normal working hours are 8:30am to 5:00pm Monday to Friday. Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 571-272-3700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached at 571-272-3780. The Official Fax Number is: (703) 872-9306

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JEAN R. HOMERE
PRIMARY EXAMINER